

UNITED STATES DISTRICT COURT
for the
District of Alaska

Petition for Action on Conditions of Pretrial Release

Name of Defendant: Jeremy Lee Smith **Case Number:** 3:12-CR-00080-03-RRB
Name of Judicial Officer: Honorable Ralph R. Beistline, Senior United States District Judge
Date of Pretrial Release: July 3, 2019
Charges: Supervised Release Violations
Case Status: Pending revocation of supervised release
Assistant U.S. Attorney: Andrea T. Steward **Defense Attorney:** T. Burke Wonnell

PETITIONING THE COURT

- ☐ To issue a summons
☒ To issue a warrant
☐ No further action to be taken

The pretrial services officer believes the defendant has violated the following condition(s) of pretrial release:

<u>Violation Number</u>	<u>Nature of Non-compliance</u>
1	The defendant violated the pretrial services release condition "The defendant must follow all conditions in the underlying criminal case 3:12-CR-00080-03-RRB," in that on July 23, 2019, the defendant drug tested positive for amphetamines, which was later confirmed as positive by Abbott Laboratories, as evidenced by specimen number B04274147.
2	The defendant violated the pretrial services release condition "The defendant must follow all conditions in the underlying criminal case 3:12-CR-00080-03-RRB," in that on July 31, 2019, the defendant signed a voluntary Admission of Drug Use Form, stating he smoked marijuana on July 31, 2019.

DECLARATION AND RECOMMENDATION:

On May 28, 2019, the defendant appeared before the Honorable Scott A. Oravec, U.S. Magistrate Judge, for a Bail Review Hearing. The defendant was released on his own recognizance with conditions of pretrial release, which included a condition for transitional housing and that he abide by all the conditions of supervised release set forth in 3:12-CR-00080-03-RRB, which includes a drug testing condition. The defendant was pending new law violations in State of Alaska case 3AN-19-3765 CR, and remained in custody on the state case. The defendant was later sentenced on July 2, 2019 in the state matter and released on pretrial supervision with this officer on July 3, 2019.

On July 23, 2019, the defendant provided a urine sample that tested positive for amphetamines. The sample was sent to Abbott Laboratories, and on July 29, 2019, returned as confirmed positive for amphetamines as evidenced by specimen number B04274147.

On July 31, 2019, the defendant provided a urine sample that tested positive for marijuana. The defendant signed a voluntary Admission of Drug Use Form, stating he smoked marijuana on July 31, 2019.

The defendant is assessed as a risk of nonappearance based on the following factors:

- History of committing new law violations while on supervised release.
- Substance abuse history.
- History of failure to appear.
- Recent arrest and convictions for domestic violence assault and criminal mischief, State of Alaska case 3AN-19-3765 CR.
- History of tampering with the urine testing process by using a device.
- Pretrial, probation, parole, or supervised release noncompliance.

The defendant is assessed as a danger to the community based on the following factors:

- Supervised release noncompliance.
- History of committing new law violations while on supervised release.
- Substance abuse history.
- Pretrial, probation, parole, or supervised release noncompliance.
- Prior arrests and convictions for felony assault, felony misconduct involving a controlled substance, failure to stop at the direction of an officer, theft, felony misconduct with weapons, numerous arrests for misdemeanor assault, driving offenses, shoplifting, burglary, and robbery.
- Recent arrest and convictions for domestic violence assault and criminal mischief, State of Alaska case 3AN-19-3765 CR.

It is respectfully recommended a warrant be issued for the defendant's arrest, and he remain detained pending the resolution of the Superseding Petition.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 5th day of August at Anchorage, Alaska, in conformance with the provisions of 28 U.S.C. § 1746.

Respectfully submitted,



Paula L. McCormick
U.S. Probation Officer
August 5, 2019

Approved by:



Beth A. Mader
Supervisory U.S. Probation Officer